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September 24, 2003

FILED ELECTRONICALLY

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Room TW-A325
Washington, DC 20054

Re: Notice of Ex Parte Presentation in WT Docket No. 01-90 and ET Docket No. 98-95: Amendment of the Commission's Rules Regarding Dedicated Short Range Communications Services in the 5.850-5.925 GHz Band (5.9 GHz Band)

Dear Secretary Dortch:

Pursuant to Rule 1.1206 of the Commission's Rules (47 C.F.R. § 1.1206), notice is hereby provided in the above-referenced dockets regarding an *ex parte* presentation made to staff of the Wireless Telecommunications Bureau's Public Safety and Private Wireless Division by representatives of the Intelligent Transportation Society of America ("ITS America") and others on September 23, 2003.

Representing ITS America were Paul Najarian, Director of Telecommunications and Telematics, and Robert B. Kelly and Mark D. Johnson of Squire, Sanders & Dempsey L.L.P., counsel to ITS America. Also in attendance were Broady Cash, a Senior Engineer with ARINC, Inc., who is also the Chairman of the DSRC Standards Working Group of the American Society for Testing and Materials ("ASTM") Working Group E17.51; Carl Kain, a Principal Engineer with Mitretek; and Pankaj Karnik, an Engineer with The Johns Hopkins University Applied Physics Laboratory. Attending from the Wireless Telecommunications Bureau's Public Safety and Private Wireless Division were D'Wana Terry, Chief of the Division; Greg Intoccia, an Attorney-Advisor; Nancy Zaczek, an Attorney-Advisor; and Gerardo Mejia, an Electronics Engineer.

The purpose of this meeting was to update the Commission on recent activities by ITS America and others to address issues in the record regarding the pending Notice of Proposed Rulemaking proposing licensing and service rules for Dedicated Short Range Communications ("DSRC") for Intelligent Transportation System ("ITS") in the 5.9 GHz Band. The attendees discussed generally

proposed licensing options, potential interference concerns and possible coordination techniques, the status of the proposed ASTM DSRC transmission standard for all DSRC operations in the 5.9 GHz Band and certain technical issues.

Consistent with its submissions, ITS America stated its view that site-by-site licensing of fixed DSRC stations is the most appropriate licensing structure for the DSRC service. This approach, according to ITS America, would best enable shared use of the band by public safety and private licensees as well as facilitate frequency coordination for DSRC stations.

Regarding the proposed ASTM DSRC transmission standard, ITS America noted that final technical revisions to the standard document have now been completed and ASTM is expected to publish the final document in the very near future. The attendees also discussed how possible updates to the ASTM DRSC transmission standard might be reflected in the Commission's Rules. ITS America suggested that the Commission's reference include a "self-executing" mechanism that would require compliance with updates made through ASTM. It was pointed out that the Commission has included such a "self-executing" mechanism in Section 80.225 of the Commission's Rules (47 C.F.R. § 80.225) for stations in the Maritime Services utilizing "selective calling" equipment. (A copy of Section 80.225 is included with this notice.)

ITS America further noted that industry-to-industry discussions have been continuing between representatives of the ITS industry and the Fixed Satellite Services ("FSS") industry regarding potential coordination and interference issues related to DSRC and FSS operations in the 5.9 GHz Band and FSS operations in the adjacent satellite C Band, as noted in various comments in the record. ITS America noted that further discussions between the respective parties are expected shortly. The attendees further discussed possible usage limits on the Control Channel corresponding to message duration and intervals between messages.

Please do not hesitate to contact me if there are any questions regarding this submission. Copies of this notice and attachment will be provided via email to representatives of the Public Safety and Private Wireless Division who were in attendance.

Sincerely,

-- *s* --

Mark D. Johnson

Attachment

cc: D'Wana Terry
Greg Intoccia
Nancy Zaczek
Gerardo Mejia

Attachment

TITLE 47--TELECOMMUNICATION

PART 80--STATIONS IN THE MARITIME SERVICES

Subpart E--General Technical Standards

Sec. 80.225 Requirements for selective calling equipment.

This section specifies the requirements for voluntary digital selective calling (DSC) equipment and selective calling equipment installed in ship and coast stations. Reference to any CCIR Recommendation in this section is to the most recent CCIR approved Recommendation that does not prevent the use of existing equipment.

(a) DSC equipment voluntarily installed in coast or ship stations must meet either the requirements of CCIR Recommendation 493 (including only equipment classes A, B, D, and E) or RTCM Paper 56-95/SC101-STD. DSC equipment must not be used with the sensors referred to in Sec. 80.179(e)(2). DSC equipment used on compulsorily fitted ships must meet the requirements contained in subpart W for GMDSS.

(b) Manufacturers of Class C DSC equipment to be used on United States vessels must affix a clearly discernible permanent plate or label visible from the operating controls containing the following:

Warning. This equipment is designed to generate a digital maritime distress and safety signal to facilitate search and rescue. To be effective as a safety device, this equipment must be used only within communication range of a shore-based VHF marine channel 70 distress and safety watch system. The range of the signal may vary but under normal conditions should be approximately 20 nautical miles.

(c) Selective calling equipment, other than that designed in accordance with paragraph (a) of this section, is authorized as follows:

(1) Equipment used in conjunction with the Automated Maritime Telecommunications System (AMTS) in the band 216-220 MHz,

(2) Equipment used to perform a selective calling function during narrow-band direct-printing (NB-DP) operations in accordance with CCIR Recommendation 476 or 625, and

(3) Equipment functioning under the provisions of Sec. 80.207(a) includes the brief use of radiotelegraphy, including keying only the modulating audio frequency, tone signals, and other signalling devices to establish or maintain communications provided that:

(i) These signalling techniques are not used on frequencies designated for general purpose digital selective calling (DSC) and distress and safety DSC calling as listed in Sec. 80.359;

(ii) The authorized radiotelephone emission bandwidth is not exceeded;

(iii) Documentation of selective calling protocols must be available to the general public; and,

(iv) Harmful interference is not caused to stations operating in accordance with the International Radio Regulations.

[54 FR 10009, Mar. 9, 1989, as amended at 62 FR 40306, July 28, 1997]